

PATENT COOPERATION TREATY PCT/PTO 16 JUN 2005

From the INTERNATIONAL SEARCHING AUTHORITY

PCT

NOTIFICATION OF TRANSMITTAL OF
THE INTERNATIONAL SEARCH REPORT
OR THE DECLARATION

(PCT Rule 44.1)

To:

SMART & BIGGAR
Attn. Schwartz, David E.
P.O. Box 2999, Station D
900-55 Metcalfe Street
Ottawa, Ontario K1P 5Y6
CANADA

Date of mailing
(day/month/year)

03/05/2004

Applicant's or agent's file reference

72154-53

FOR FURTHER ACTION

See paragraphs 1 and 4 below

International application No.

PCT/CA 03/01943

International filing date
(day/month/year)

16/12/2003

Applicant

CHX TECHNOLOGIES, INC.

1. ☒ The applicant is hereby notified that the International Search Report has been established and is transmitted herewith.

Filing of amendments and statement under Article 19:

The applicant is entitled, if he so wishes, to amend the claims of the International Application (see Rule 46):

When? The time limit for filing such amendments is normally 2 months from the date of transmittal of the International Search Report; however, for more details, see the notes on the accompanying sheet.

Where? Directly to the International Bureau of WIPO
34, chemin des Colombettes
1211 Geneva 20, Switzerland
Facsimile No.: (41-22) 740.14.35

For more detailed instructions, see the notes on the accompanying sheet.

2. ☐ The applicant is hereby notified that no International Search Report will be established and that the declaration under Article 17(2)(a) to that effect is transmitted herewith.

3. ☐ With regard to the protest against payment of (an) additional fee(s) under Rule 40.2, the applicant is notified that:

☐ the protest together with the decision thereon has been transmitted to the International Bureau together with the applicant's request to forward the texts of both the protest and the decision thereon to the designated Offices.

☐ no decision has been made yet on the protest; the applicant will be notified as soon as a decision is made.

4. **Further action(s):** The applicant is reminded of the following:

Shortly after 18 months from the priority date, the international application will be published by the International Bureau. If the applicant wishes to avoid or postpone publication, a notice of withdrawal of the international application, or of the priority claim, must reach the International Bureau as provided in Rules 90bis.1 and 90bis.3, respectively, before the completion of the technical preparations for international publication.

Within 19 months from the priority date, a demand for international preliminary examination must be filed if the applicant wishes to postpone the entry into the national phase until 30 months from the priority date (in some Offices even later).

Within 20 months from the priority date, the applicant must perform the prescribed acts for entry into the national phase before all designated Offices which have not been elected in the demand or in a later election within 19 months from the priority date or could not be elected because they are not bound by Chapter II.

Name and mailing address of the International Searching Authority



European Patent Office, P.B. 5818 Patentlaan 2
NL-2280 HV Rijswijk
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Fax: (+31-70) 340-3016

Authorized officer

Dominique Hundt

INTERNATIONAL SEARCH REPORT

International application No.
PCT/CA 03/01943**Box I Observations where certain claims were found unsearchable (Continuation of item 1 of first sheet)**

This International Search Report has not been established in respect of certain claims under Article 17(2)(a) for the following reasons:

1. ☒ Claims Nos.: 18.
because they relate to subject matter not required to be searched by this Authority, namely:
Although claim 18 is directed to a method of treatment of the human/animal body, the search has been carried out and based on the alleged effects of the compound/composition.
2. ☐ Claims Nos.:
because they relate to parts of the International Application that do not comply with the prescribed requirements to such an extent that no meaningful International Search can be carried out, specifically:
3. ☐ Claims Nos.:
because they are dependent claims and are not drafted in accordance with the second and third sentences of Rule 6.4(a).

Box II Observations where unity of invention is lacking (Continuation of item 2 of first sheet)

This International Searching Authority found multiple inventions in this International application, as follows:

1. ☐ As all required additional search fees were timely paid by the applicant, this International Search Report covers all searchable claims.
2. ☐ As all searchable claims could be searched without effort justifying an additional fee, this Authority did not invite payment of any additional fee.
3. ☐ As only some of the required additional search fees were timely paid by the applicant, this International Search Report covers only those claims for which fees were paid, specifically claims Nos.:
4. ☐ No required additional search fees were timely paid by the applicant. Consequently, this International Search Report is restricted to the invention first mentioned in the claims; it is covered by claims Nos.:

Remark on Protest

- ☐ The additional search fees were accompanied by the applicant's protest.
- ☐ No protest accompanied the payment of additional search fees.

INTERNATIONAL SEARCH REPORT

 International Application No
 PCT/CA 03/01943-

 A. CLASSIFICATION OF SUBJECT MATTER
 IPC 7 A61K6/00 A61K9/00

According to International Patent Classification (IPC) or to both national classification and IPC

B. FIELDS SEARCHED

 Minimum documentation searched (classification system followed by classification symbols)
 IPC 7 A61K

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched

Electronic data base consulted during the international search (name of data base and, where practical, search terms used)

EPO-Internal, WPI Data, PAJ

C. DOCUMENTS CONSIDERED TO BE RELEVANT

Category *	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
X	EP 1 112 750 A (SATO PHARMA ;SUNTORY LTD (JP)) 4 July 2001 (2001-07-04) paragraphs '0017! - '0019!, '0026!, '0031!, '0038! - '0041! tables 1,4,7	1-13, 15-18
X	US 5 330 746 A (SINTOV AMNON ET AL) 19 July 1994 (1994-07-19) cited in the application the whole document	1-5
Y		12-18
X	US 2001/024657 A1 (ROSENBERGER VERED ET AL) 27 September 2001 (2001-09-27) cited in the application paragraphs '0066!, '0073!, '0079!, '0093!, '0123!, '0130!, '0191! ----- -/--	1-18

☒ Further documents are listed in the continuation of box C.

☒ Patent family members are listed in annex.

° Special categories of cited documents:

- *A* document defining the general state of the art which is not considered to be of particular relevance
- *E* earlier document but published on or after the international filing date
- *L* document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified)
- *O* document referring to an oral disclosure, use, exhibition or other means
- *P* document published prior to the international filing date but later than the priority date claimed

- *T* later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention
- *X* document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone
- *Y* document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art.
- *G* document member of the same patent family

Date of the actual completion of the international search

8 April 2004

Date of mailing of the international search report

03/05/2004

Name and mailing address of the ISA

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Authorized officer

Paloniemi Legland, R

INTERNATIONAL SEARCH REPORT

Patent Application No
PCT/CA 03/01943

C.(Continuation) DOCUMENTS CONSIDERED TO BE RELEVANT		
Category *	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
X	WO 02/09675 A (MACRAE ROSS JAMES ;PFIZER LTD (GB); WALTHER MATHIAS (GB); RASPIDE) 7 February 2002 (2002-02-07) page 6, line 24 - page 7, line 17 page 11, line 27 - line 33 page 13, line 5 - line 11 page 13, line 31 - page 14, line 4 claims 1,15,19	1-11
Y		12-18
Y	US 4 883 534 A (SANDHAM H J ET AL) 28 November 1989 (1989-11-28) cited in the application column 3, line 2 - line 26 column 4, line 26 - line 39 column 5, line 1 - line 26 claim 7	12-18
X	WO 01/82897 A (BETAGERI GURU ;ENZREL INC (US); YATVIN MILTON B (US)) 8 November 2001 (2001-11-08) page 13, line 11 - line 13 claims 1-14	1-11
X	LIN S-Y ET AL: "Organic esters of plasticizers affecting the water absorption, adhesive property, glass transition temperature and plasticizer permanence of Eudragit acrylic films" JOURNAL OF CONTROLLED RELEASE, ELSEVIER SCIENCE PUBLISHERS B.V. AMSTERDAM, NL, vol. 68, no. 3, 3 September 2000 (2000-09-03), pages 343-350, XP004208505 ISSN: 0168-3659 the whole document	1-11
X	AMIGHI K ET AL: "INFLUENCE OF PLASTICIZER CONCENTRATION AND STORAGE CONDITIONS ON THE DRUG RELEASE RATE FROM EUDRAGIT RS30D FILM-COATED SUSTAINED-RELEASE THEOPHYLLINE PELLETS" EUROPEAN JOURNAL OF PHARMACEUTICS AND BIOPHARMACEUTICS, ELSEVIER SCIENCE PUBLISHERS B.V., AMSTERDAM, NL, vol. 42, no. 1, 1996, pages 29-35, XP000555020 ISSN: 0939-6411 the whole document	1-11
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INTERNATIONAL SEARCH REPORT
Information on patent family members

Int. Patent Application No.

PCT/CA 03/01943

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